

## NOTE FROM THE EDITOR

The Alaska Law Review is pleased to present the first issue of its 28<sup>th</sup> volume. The following contains a wide array of materials that I'm hopeful will spark discussion, provide new perspectives on Alaska legal history, and be useful to practitioners.

We are very proud to provide a symposium section at the beginning of this issue, with a collection of four pieces that analyze the voter assistance issues surrounding the 2010 United States Senate election. The lead piece, *How Do You Spell M-U-R-K-O-W-S-K-I Part I: The Issue of Voter Assistance* by Professor Chad Flanders, analyzes the Alaska Supreme Court's decision in *State, Division of Elections v. Alaska Democratic Party*, arguing that the court reached the correct conclusion in permitting poll workers to distribute a list of certified write-in candidates to voters. Following that are two responses to Professor Flanders's article. The first, written by Professor Joseph Fishkin, argues that voting is a positive right, and therefore the state was obligated to provide assistance to write-in voters. The response by Professor Justin Levitt analyzes voter assistance, asking to what extent voters should be at fault for voting errors? Finally, Professor Flanders responds to these two comments, considering them in light of earlier Alaska cases.

We then are pleased to provide two very insightful articles. The first, written by Professors Ronald Everett and Deborah Periman, is "*The Governor's Court of Last Resort*": *An Introduction to Executive Clemency in Alaska*. This article traces the history of clemency in early American law, Alaska territorial law, and early statehood. It then considers recent reforms to the Alaska clemency process. The second article, *An Evaluation of Alaska's Standard for Wage and Hour Exemptions* by Gregory S. Fisher, argues that *Fred Meyer of Alaska v. Bailey* was wrongly decided and that Alaska should follow federal practice and require that exemptions from wage and hour laws be established by a preponderance of the evidence standard, rather than the reasonable doubt standard adopted by the Alaska Supreme Court.

Finally, we have three student notes in this issue, dealing with a diverse set of issues. *The Use of Electronic Monitoring in the Alaska Criminal Justice System: A Practical Yet Incomplete Alternative to Incarceration* is by Natasha Alladina and argues that Alaska should increase its use of electronic monitoring, particularly by considering it a valid alternative to pre-trial incarceration. In *A Shot in the Dark: Why*

*Strict Scrutiny Would Miss the Mark for Felon-in-Possession Statutes*, Gabriel A. Blumberg argues that the Alaska Court of Appeals has correctly applied intermediate scrutiny to felon-in-possession statutes after the 1994 state constitutional amendment affirming the individual right to bear arms. Finally, in light of a recent case, Proud Usahacharoenporn analyzes the evolution of involuntary civil commitment in *E.P. v. Alaska Psychiatric Institute: The Evolution of Involuntary Civil Commitments from Treatment to Punishment*.

These articles, comments, and notes cover an array of issues, and I hope that you will find them as fascinating to read as we have found them to work on. The effort that has gone into these pieces, by the authors, student editors, and production staff members has been extensive. I owe each of them a tremendous debt of gratitude.

This issue concludes my service as editor-in-chief of the *Alaska Law Review*. My time on the journal has been a defining part of my years in law school. From carefully reading manuscripts about novel legal issues to falling down on the ice repeatedly at the ice art festival in Fairbanks, the *Alaska Law Review* has been an experience like none other. I have been fortunate to work with a staff of intelligent, diligent students who have a great commitment to presenting a high quality product. I am also very grateful for the opportunity to work with the Alaska Bar—thank you to the Bar Association staff and to all of the attorneys who make our annual trips to Alaska possible.

The following issue, I believe, reflects the commitment to producing excellent academic writing about Alaska legal issues that has defined Duke's relationship with the Alaska Bar for twenty-eight years. It is a relationship that I will forever be proud to have been a part of.

*Jonathan Ross*